

**DRAWING AMENDMENTS:**

Figure 8 is amended herein to refer to the sub-figures individually as, for example Fig. 8(a), Fig. 8(b) and so on rather than by letter only.

An amended sheet including the proposed changes to Figures 8(a)-8(f) is at Appendix A of this Reply.

A “Replacement Sheet” for Figures 8(a) – 8(f) is at Appendix B of this Reply.

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## REMARKS

Claims 1-3, 6, 8, 12, 16-19, 21-22, 24-27, 30-31 and 34 are pending in the application.

Claims 1, 6, 8, 30, 31 and 34 are amended above to clarify what it is that the Applicant regards as the invention and to correct claiming informality issues.

Claim 11 is cancelled from the application above.

The specification is amended to correct a reference to the figures.

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Figure 8 is amended to overcome the examiner's figure objection.

No new matter has been added to the application by way of these specification and claim amendments.

### I. THE DRAWING OBJECTIONS

The examiner objected to Figure 8 because it does not refer individually to Figures 8a, 8b, etc. . .

The examiner's objection is overcome by amending Figure 8 as suggested by the examiner. The specification is also amended to refer to the new figure designations.

The examiner objected to the drawings because Figures 13a and 13b are not mentioned in the specification.

Figures 13a and 13b are mentioned in the specification at page 5, line 25. Moreover, the description of Figure 13 in the Brief Description of the Drawings section of the specification is amended above to refer to Figures 13a and 13b individually.

### II. THE SECTION 101 REJECTION OF CLAIMS 30-31 AND 34

The examiner objected to claims 30-31 and 34 for claiming non-statutory subject matter.

Claims 30-31 and 34 are each amended above in a manner that overcomes the examiner's rejection. In particular, claims 30-31 are amended to recite the tangible result of "providing an indication of the condition of said specimen (e.g. grade of cancer in claim 31) on the basis of said metric."

### **III. THE SECTION 112, 2<sup>nd</sup> PARAGRAPH REJECTION OF CLAIM 34**

The examiner rejected claim 34 for being indefinite. In particular the examiner takes the position that claim 34 is directed to a method without any steps.

The examiner's rejection is overcome by amending claim 34 above to clarify that the claim is directed to a computer including a computer program that causes the computer to execute the method of claim 1.

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### **IV. THE ALLOWABLE SUBJECT MATTER**

The Applicant acknowledges the examiner's allowance of claims 1-3, 6, 8, 11-12, 16-19, 21-22 and 24-27.

The applicant notes that they have amended allowed claim 1 above to include the feature of allowed claim 11. Claims 6 and 8 have been amended accordingly. It is believed that all allowed claims remain allowable in view of these claim amendments.

### **CONCLUSION**

All pending patent application claims are believed to be allowable for the reasons recited above. Moreover the drawing and claim objections raised by the examiner in the current Office Action are believed to be overcome in this Reply. Favorable reconsideration and allowance of all pending application claims is, therefore, courteously solicited.

Respectfully submitted,

Date: September 8, 2008

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## Appendix A

(Marked up Sheet including Figures 8(a) to 8(f))

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DELETE

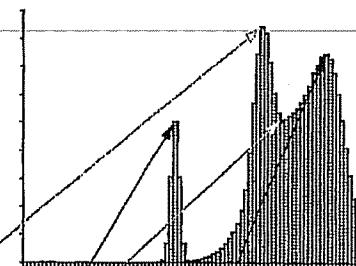
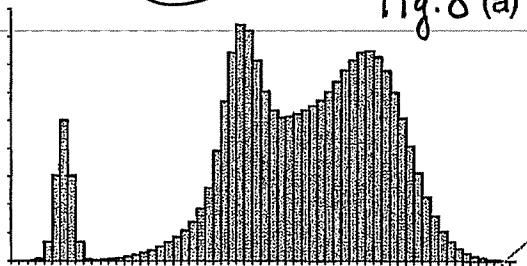
ADD

Fig. 8.

Fig. 8(a)

ADD

Fig. 8(b)



Tertiary peak, track length 3

Secondary valley, track length 3

Secondary peak, track length 4

Main valley, track length 4

Main peak, track length 5

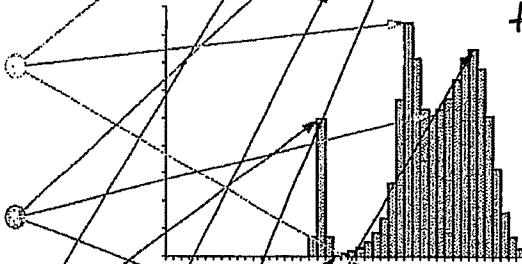


Fig. 8(c)

ADD

Fig. 8(d)

ADD

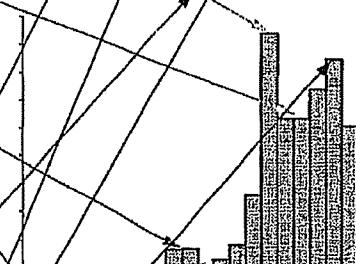


Fig. 8(e)

ADD

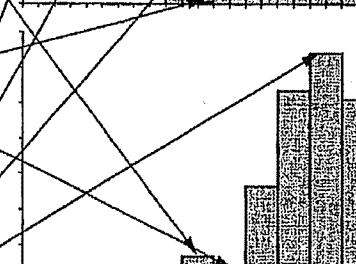


Fig. 8(f)

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